

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

1

**The Minutes**

**September 13, 2004**

- C042230      THE PEOPLE v. RABINO      (Not for Publication)**  
The judgment as to the stalking charge in count eight is reversed. The judgment is modified... In all other respects, the judgment is affirmed. The trial court is directed to prepare a new abstract of judgment and to forward a copy to the Department of Corrections.  
BLEASE, Acting P.J.  
We concur: Morrison, J.  
Butz, J.
- C044445      THE PEOPLE v. SAMPLE      (Certified for Partial Publication)**  
The judgment is affirmed. The trial court is directed to (1) amend the abstract of judgment to show a concurrent sentence of one year was imposed on the battery conviction, and the great bodily injury enhancement was imposed under subdivision (e) of section 12022.7, and (2) forward a certified copy of the amended abstract to the Department of Corrections.  
SCOTLAND, P.J.  
We concur: Sims, J.  
Butz, J.
- C043805      HAASE et al. v. HITMAN et al.      (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We concur: Sims, Acting P.J.  
Davis, J.
- C044452      JOHN M. FOSTER TURF FARMS, INC. v. CITY OF SACRAMENTO      (Not for Publication)**  
The judgment is affirmed.  
BUTZ, J.  
I concur: Hull, Acting P.J.  
I, too, reluctantly concur...  
Robie, J.
- C042868      THE PEOPLE v. VUE**  
BY THE COURT:  
Appellant's petition for rehearing is denied.  
DAVIS, Acting P.J.

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2

**The Minutes**

**September 14, 2004**

- C044354      THE PEOPLE v. ST.CLAIR      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We concur: Scotland, P.J.  
Davis, J.
- C044568      THE PEOPLE v. NEILSON      (Not for Publication)**  
The judgment is affirmed.  
BUTZ, J.  
We concur: Scotland, P.J.  
Hull, J.
- C040761      C&C CONSTRUCTION, INC. v. SACRAMENTO MUNICIPAL UTILITY DISTRICT et al.      (Certified for Publication)**  
Any remaining requests for judicial notice are denied as unnexessary or irrelevant. The judgment and permanent injunction are affirmed. C&C shall recover its costs on appeal. (Cal. Rules of Court, rule 27(a).) (*Certified for Publication.*)  
NICHOLSON, J.  
I concur: RAYE, J.  
... I would reverse the judgment with directions to vacate the injunction.  
Blease, Acting P.J.
- C044541      EL DORADO COUNTY TAXPAYERS FOR QUALITY GROWTH et al. v. COUNTY OF EL DORADO et al. and COOL CAVE QUARRY, INC.      (Not for Publication)**  
The judgment is affirmed.  
DAVIS, J.  
We concur: Scotland, P.J.  
Nicholson, J.
- C044800      SLOAN et al. v. ISKRA      (Not for Publication)**  
The judgment is affirmed.  
MORRISON, J.  
We concur: Davis, Acting P.J.  
Butz, J.
- C045573      HARDIE v. PEDDY, AS ADMINISTRATOR, etc.**  
The judgment and order are affirmed. Respondent shall recover his costs on appeal. (Cal. Rules of Court, rule 27 (a)(1).)  
SIMS, J.  
We concur: Scotland, P.J.  
Nicholson, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

3

**The Minutes**

**September 14, 2004, continued**

**C042638 THE PEOPLE v. WIRTH**

THE COURT:

It is so ordered that the opinion filed herein on August 18, 2004, be modified...

The judgment is affirmed.

This modification changes the judgment.

Respondent's petition for rehearing is denied.

BY THE COURT:

BLEASE, Acting P.J.

NICHOLSON, J.

RAYE, J.

**September 15, 2004**

**MISC. ORDER 2004-007**

By the Court:

Associate Justice Rodney Davis is appointed to serve as Acting Presiding Justice to discharge the duties described in the California Rules of Court, rules 75, 76, 77 and 78, during the absence of the Presiding Justice from the Court on September 16, 2004, through September 17, 2004, or until his return. (See Cal. Const. Art. 6, Sec. 3.) The senior member of a panel of the Court is designated the Acting Presiding Justice of that panel during the absence of the Presiding Justice.

SCOTLAND, P.J.

**C041629 THE PEOPLE v. SALAZAR**

**(Not for Publication)**

The judgment is affirmed.

HULL, J.

We concur: Davis, Acting P.J.

Butz, J.

**C043228 THE PEOPLE v. SHAW, III**

**(Certified for Partial Publication)**

The trial court is directed to prepare a corrected abstract of judgment reflecting receipt of 292 days of conduct credits and to forward a certified copy of the corrected abstract of judgment to the Department of Corrections. As modified, we affirmed the judgment of conviction.

BLEASE, Acting P.J.

We concur: Raye, J.

Morrison, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

4

**The Minutes**

**September 15, 2004, continued**

- C044206      THE PEOPLE v. HALL      (Not for Publication)**  
The judgment is affirmed.  
BUTZ, J.  
We concur:    Blease, Acting P.J.  
                 Davis, J.
- C044888      THE PEOPLE v. KIRBY      (Not for Publication)**  
The judgment is affirmed.  
ROBIE, J.  
We concur:    Davis, Acting P.J.  
                 Hull, J.
- C045361      THE PEOPLE v. DENNIS      (Not for Publication)**  
The judgment is modified... The judgment is affirmed as modified.  
HULL, J.  
We concur:    Scotland, P.J.  
                 Butz, J.
- C043603      LENZ v. MCMARTIN      (Not for Publication)**  
The judgment (order) is affirmed. McMartin shall recover her costs on appeal. (Cal. Rules of Court, rule 27(a).)  
BLEASE, Acting P.J.  
We concur:    Davis, J.  
                 Raye, J.
- C045449      In re BRANDEN E.; BUTTE COUNTY CHILDREN'S SERVICES DIVISION v.  
C045694      MILES E.      (Not for Publication)**  
The disposition order is reversed and the matter is remanded with directions to order CSD to furnish notice to the Seneca-Cayuga Tribe of Oklahoma. Thereafter, if there is no response or if the tribe determines Branden is not an Indian child, the order shall be reinstated. However, if the tribe determines Branden is an Indian child or if information is presented to the juvenile court that affirmatively indicates Branden is an Indian child as defined by the ICWA and the court determines the ICWA applies to this case, the juvenile court is ordered to conduct a new dispositional hearing in conformance with all provisions of the ICWA.  
BUTZ, J.  
We concur:    Sims, Acting P.J.  
                 Raye, J.

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

5

**The Minutes**

**September 15, 2004, continued**

**C045558      In re GEORGE P.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. LEANNA P.                      (Not for Publication)**

The orders of the juvenile court are affirmed.

SCOTLAND, P.J.

We concur:    Blease, J.  
                     Davis, J.

**C046103      In re B.W.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND  
HUMAN SERVICES v. AMANDA H.                      (Not for Publication)**

The order denying the petition for modification and the order terminating  
appellant's parental rights are affirmed.

SCOTLAND, P.J.

We concur:    Nicholson, J.  
                     Butz, J.

**September 16, 2004**

**C044279      THE PEOPLE v. MANESS                                      (Not for Publication)**

The judgment is affirmed.

HULL, J.

We concur:    Nicholson, Acting P.J.  
                     Raye, J.

**C044692      THE PEOPLE v. BURNS                                      (Not for Publication)**

The judgment (order granting probation) is modified... As so modified, the  
judgment is affirmed. The trial court is directed to prepare an amended probation  
order that separately states the base laboratory fee, its state penalty assessment  
and its county penalty assessment; and separately states the base drug program  
fee, its state penalty assessment and its county penalty assessment.

NICHOLSON, Acting P.J.

We concur:    Raye, J.  
                     Hull, J.

**C045763      THE PEOPLE v. RINGEL                                      (Not for Publication)**

The judgment is affirmed.

Raye, J.

We concur:    Sims, Acting P.J.  
                     Butz, J.

## 6

BUTZ, J.